EAST BAY EXPRESS

THE EAST BAY'S INDEPENDENT WEEKLY



VISIONS OF LIBERTY

See page 20

INSIDE: See our feature story, *"A Carrot and Stick for Pot Farmers,"* page 11, and the news story, *"Double Jeopardy,"* page 8.



CONTENTS

On the Cover: Art by Jazz ... Voices from the Inside.



EAST BAY EXPRESS

EDITORIAL

ART & PRODUCTION

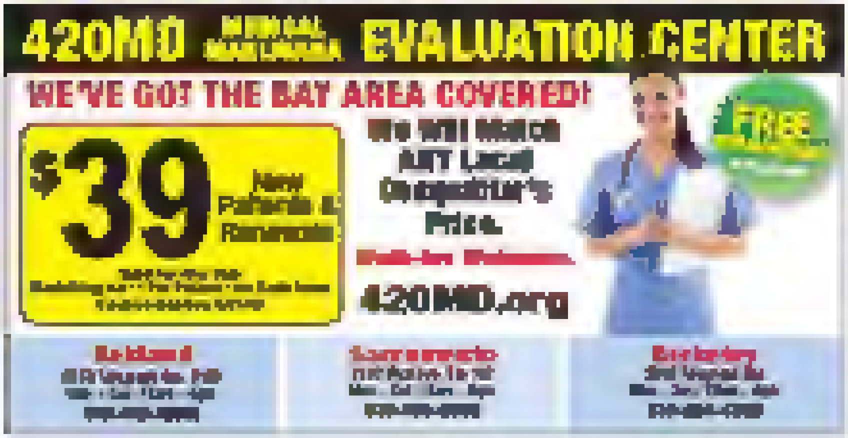
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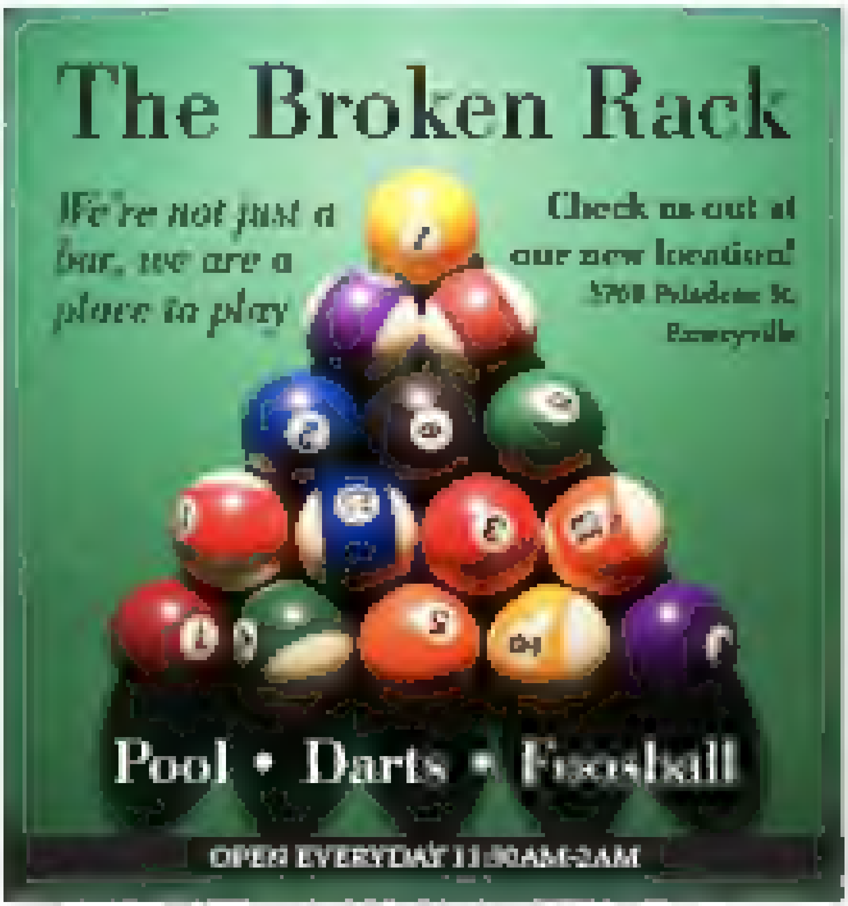
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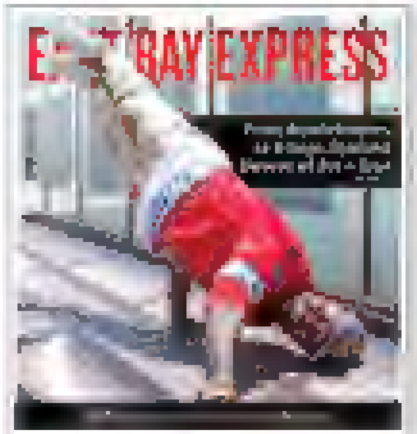

6th Annual
OAKLAND PRIDE
PARADE
+ FESTIVAL
9.13.2015
Parade starts 10:30am @ Broadway & 14th St.
Festival 11am - 7pm @ Broadway & 20th St.
www.OaklandPride.org







NEWS&OPINION



LETTERS

And Bad Tenants?

[illegible]

A Letter to Mayor Libby Schaaf and the Oakland City Council

[illegible]


CHOP
Salon
WASH & BLOWDRY THURSDAY & FRIDAY $22
$20 OFF
OPEN 7 DAYS A WEEK | NEW EXTENDED HOURS


rare bird
trunk show: stance socks
aug 20th from 6 - 9 p.m.
Third Thursdays Piedmont Ave. Stroll
3963 Piedmont Ave. in Oakland / 510-653-2473
therarebird.com


GROW LIKE YOUR LIFE DEPENDS ON IT
because sometimes it does
OAKLAND GARDEN SUPPLY
OG
SUPPLY



Life After the Wicked Witch

The feds are at the crossroads, the industry is emboldened, and 2016 election limbo begins.

By David Downs

Local Focus

Double Jeopardy

A legal resident of East Oakland may be sent back to Cambodia, a country he fled decades ago, because he committed a nonviolent drug crime.

By Momo Chang

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alien. He may end up spending more time in immigration detention than for his original crime.

Despite the fact that Bun's case had "no identifiable victim," according to a statement by his US probation officer, Bun is still considered a top priority for deportation in the eyes of ICE. He previously had one other criminal conviction for possessing a firearm in 1993. Under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, many legal, non-citizens became more deportable.

Although Southeast Asian refugees are up to five times more likely to be deported due to criminal convictions than other immigrant communities, advocates for Bun are hopeful. The Southeast Asian Resource Action Center (SEARAC) is pushing for his release, and Bun has received one hundred letters of support from friends, neighbors, and community members. An online petition that launched in July has gained 2,900 signatures.

Recent policy changes, at least on paper, may also give Bun a glimmer of hope. A memo from the US Department of Homeland Security issued in November 2014, cites that immigration officials have the discretion to call off deportation in cases with "extenuating circumstances." In Bun's case, this includes living in the United States for 37 years, having a US citizen spouse and children, and having young children, one of whom is entering second grade. A US probation officer has also noted in a report that Bun is not a danger to the community.

An ICE spokesperson declined to comment about the specific case, but noted that Bun is in the top priority category for deportation because he was convicted of an "aggravated felony." Taking part in selling any amount of drugs is considered an aggravated felony under federal law.

The most compelling argument to keep Bun in the country is his family. Bun's wife, Nhep, is struggling. Their family has endured severe tragedies. One of their sons was a victim of gun violence. Another son was diagnosed with leukemia just a day before Bun's arrest; that child has since passed away. Another child is in prison. That leaves their two youngest children for Nhep to take care of. Nhep works full-time, and sometimes overtime, at a medical device manufacturing company. Their teenage son dropped out of high school this past spring. "I know when his dad home, he every listening to his dad," Nhep said. Bun was allowed to spend a year at home after he was sentenced in his drug case to take care of his children and father-in-law. Advocates say this shows he was not a danger to the community.

Then, Bun's lawyer, is trying to get Bun a U-visa — a legal status for victims of violent crime who cooperate with law enforcement. Bun was beaten and robbed in his apartment stairwell in 1993. Because he called the police and offered to cooperate, he was considered a witness in a criminal case.

A less commonly used argument for keeping Bun in the country is that he suffers from PTSD. In 2012, after serving his criminal sentence, Bun met with mental health counselors for the first time. "We are surprised that Mr. Yun [sic] would benefit for treatment for PTSD and depression," the counselors wrote in a report, noting his traumatic escape from Cambodia.

"A lot of people aren't aware of the different traumas that Southeast Asian refugees experience — genocide and violence that they experienced at a young age, then facing language barriers, not a lot of support, and sometimes severe bullying when they arrive in the US," said Katrina Dizon, policy manager at SEARAC.

One of the reasons people commit crimes in the first place is because of their social situations — living in poverty and in high-crime areas — combined with mental health issues. "Cambodians, unfortunately, have both of these things going on — a mental health issue that's not been addressed, and they came here as refugees and came up in poverty situations," said Daryn Reicherter, a clinical associate professor at Stanford in Psychiatry and Behavioral Sciences, who has worked with many Cambodian refugees.

If Bun is deported, he would probably never receive the treatment he needs. "There's very limited mental health resources in Cambodia and it's mostly for the most severe folks, such as those with schizophrenia," Reicherter added.

President Obama recently visited a federal prison — the first sitting president to do so — and his administration has been pushing for releasing nonviolent drug offenders and emphasizing rehabilitation and second chances. Immigrant advocates believe Bun should be released and reunited with his family. "In the case of Mr. Bun, certainly, he has shown that the US is his home," said Gabriela Villareal, policy manager at the California Immigrant Policy Center. "He has a family here and has continued to contribute to his community. We would encourage [the DHS to release] Mr. Bun, as well as others who fit this discretionary memo. It's quite troubling that the government hasn't released Mr. Bun."

Bun hasn't seen his wife and children for more than a year, because they can't afford to fly to Texas. He may be in immigration detention for months, perhaps years, as officials review his U-visa application.

Caitlin Patler, a University of California President's Postdoctoral Fellow at UC Irvine, who is studying the impact of long-term immigration detention on families, said there are better programs for families in this situation. "Detention is legally considered non-punitive," Patler said. "Yet certain people are held ... usually in prisons and jails or facilities owned by private corporations. There are several alternatives to detention that are not being explored across the country." One alternative used in the Central District of California gives detainees access to a bond hearing if they are held for more than 180 days.

Because of ever-shifting political climates and immigration laws, Nhep and Bun are yet unsure what will happen. But Nhep said she is sure that her husband would never commit a crime again.

"I wish I could stay and be with my family and start over again," Bun said by phone from jail in Texas. "I don't know what's going to happen. Just sit here and wait. Anything could happen."

letters@[illegible]





Activists Push Successfully for Climate Rules

Thanks to more than two years of advocacy by environmental groups, Bay Area regulators are proposing some aggressive restrictions on greenhouse-gas emissions.

Jean Tepperman

After an intense campaign by environmentalists, Bay Area regulators recently mapped out aggressive new measures to cut emissions of the heat-trapping gases that cause climate change. The proposed measures followed a two-and-a-half year push by 350 Bay Area and the Sierra Club to get the Bay Area Air Quality Management District to step up its efforts to fight global warming.

During the July 20 meeting of the air district's board of directors, Henry Hilken, the agency's director of planning and climate protection, presented a proposal, which, if adopted, would require regulators for the first time to consider the impact on greenhouse-gas emissions of new projects in the Bay Area. Other proposed regulations include limits on greenhouse-gas emissions from refineries, wood burning, diesel generators, and methane leaks. "This would not have happened without our advocacy," said Jed Holtzman, a member of 350 Bay Area.

The proposals are "more aggressive than [those taken by] any other air district in the US," said Contra Costa County Supervisor John Gioia, who represents the western part of the county on the board of supervisors and sits on the air district board of directors. "Making greenhouse gases a part of the permitting process is a big deal."

Holtzman agreed that the plan is "tremendous progress." But it's been a long time coming. Although the air district adopted its first climate action program in 2005, Holtzman said the board's Climate Protection Committee rarely met. So in early 2013, the environmentalist coalition began a vigorous campaign to "get them to think a different way," Holtzman added. "We went to countless board and committee meetings, gave hundreds of well-informed spoken and written comments, brought constituents to meet with individual board members, held rallies, and circulated online petitions."

At the end of 2013, the board adopted a resolution declaring its intention to develop a plan to match the state's climate goal: By 2050, the Bay Area should be producing only one-fifth of the heat-trapping gases emitted in 1990. But it then took more than a year and a half for air district staffers to prepare the plan presented late last month.

Some activists noticed that air district staffers deliberately delay action because they're too cozy with — and fearful of — industrial polluters. "The board allows the staff to perennially drag out these serious policy issues," said Andres Soto of Communities for a Better Environment.



Jed Holtzman of 350 Bay Area.

But Gioia, usually an ally of environmental organizations, disputes this claim. "There's a lot of impatience," he said. "They say we 'need to do more.' And we do! But the fact is we're already doing more than anybody else. The majority of board members want to do something, but it takes some thought to do it in a way that results in meaningful progress." He added, however, that "350 Bay Area, the Sierra Club, and other advocates deserve credit for keeping this issue a high priority and pushing the air district to do more."

In presenting the new plan last month, Hilken presented a graph showing that current regulations will not bring the Bay Area anywhere near the district's greenhouse-gas reduction goal. In 2050, the region will still be producing almost as much as it did in 1990 — 85 percent, not the 20 percent the district is hoping for.

Board member Eric Mar called the slide "a wake-up call" that "business as usual isn't going to get us there."

But environmentalists say the new plan, although a step forward, doesn't reflect that urgency. The plan calls for completing some of the new regulations next year, and some at a date to be determined. Air district board member Roger Kim commented: "Too many rules are TBD [to be determined]. It makes me worried, given the crisis before us."

The biggest controversy over the proposed plan concerns strategies for lowering greenhouse-gas emissions from the Bay Area's five oil refineries. Activists have been campaigning for years for the air district to cap refinery emissions. But the air district plans a more selective approach, requiring refineries to report the efficiency of various operations, comparing them with other refineries, then requiring adjustments in specific areas. Officials of the air district and the California Air Resources Board — enthusiastically supported by representatives of the refineries — have argued that a blanket refinery cap would just push greenhouse-gas emissions to other parts of the state. That's because under California's cap-and-trade system for limiting greenhouse-gas emissions, companies that lower their emissions can sell credits that allow other companies' emissions to increase.

Soto of CBE said the issue of just moving emissions from one place to another is one of the problems with the cap-and-trade strategy. He argued that all communities should lower emissions. "We'll fight [the refineries] here and stand by other communities when they try to reduce emissions there," he said.

In addition, Holtzman pointed out, there are local benefits to lowering greenhouse-gas emissions. "Dozens and dozens of toxic chemicals that are not regulated are co-emitted [with greenhouse gases] from refineries," he said. "The air district will never have the time, financial, or staff resources required to measure — let alone regulate — all of them." So cutting greenhouse-gas emissions makes communities near refineries safer.

Air district officials and environmentalists agree on one key point: that in addition to regulating emissions, reducing the demand for fossil fuels is critical. Gregory Nudd, the district's Air Quality Program manager, wrote in an email: "The best method to reduce greenhouse gas emissions at refineries is for folks to buy less gasoline, diesel and jet fuel." He added: "The Air District has many non-regulatory tools aimed at reducing demand for these products," such as financial and technical support for local clean energy programs. But here, too, environmentalists say the district could do more — for example, by model rules for local governments to adopt, using the California Environmental Quality Act to require new buildings to include low-carbon technologies.

Environmentalists mainly emphasize the need for quick action. "We're looking down the barrel of a gun," Holtzman told air district board members at a May meeting. "We need action from you. We don't need to lie back and wait for a very gradual cap-and-trade program."

At the same meeting, Bill Pinkham of the Steelworkers Alliance said that the air district's goal of climate reductions by 2050, even if achieved, might not be fast enough. "The science shows that [climate change effects are] happening much faster," he said. "The next decade is Decisive Zero. You need to put in the strongest standards you possibly can." ■

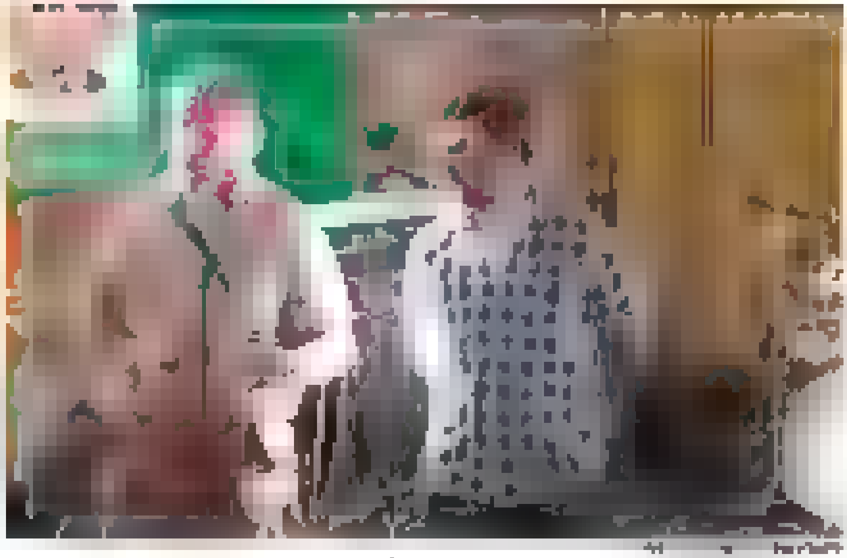
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A Carrot and Stick for Pot Farmers

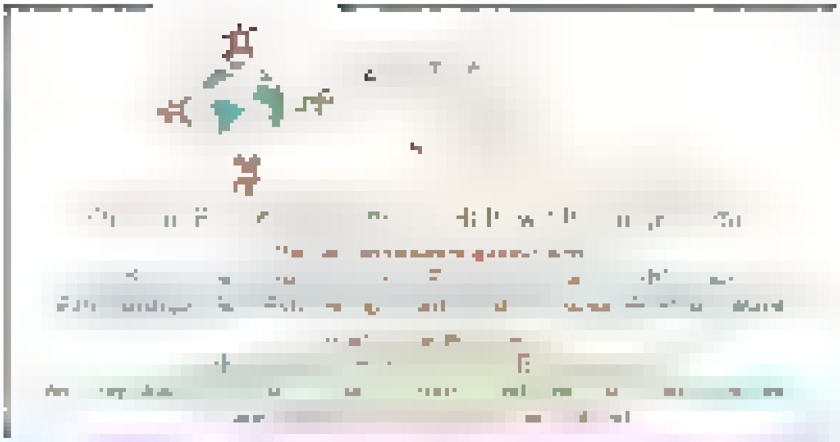
The state water board has launched an unprecedented program that seeks to work cooperatively with cannabis growers, but other government agencies just want to raid farms and seize cash.

By Adrian Fernandez Baumann







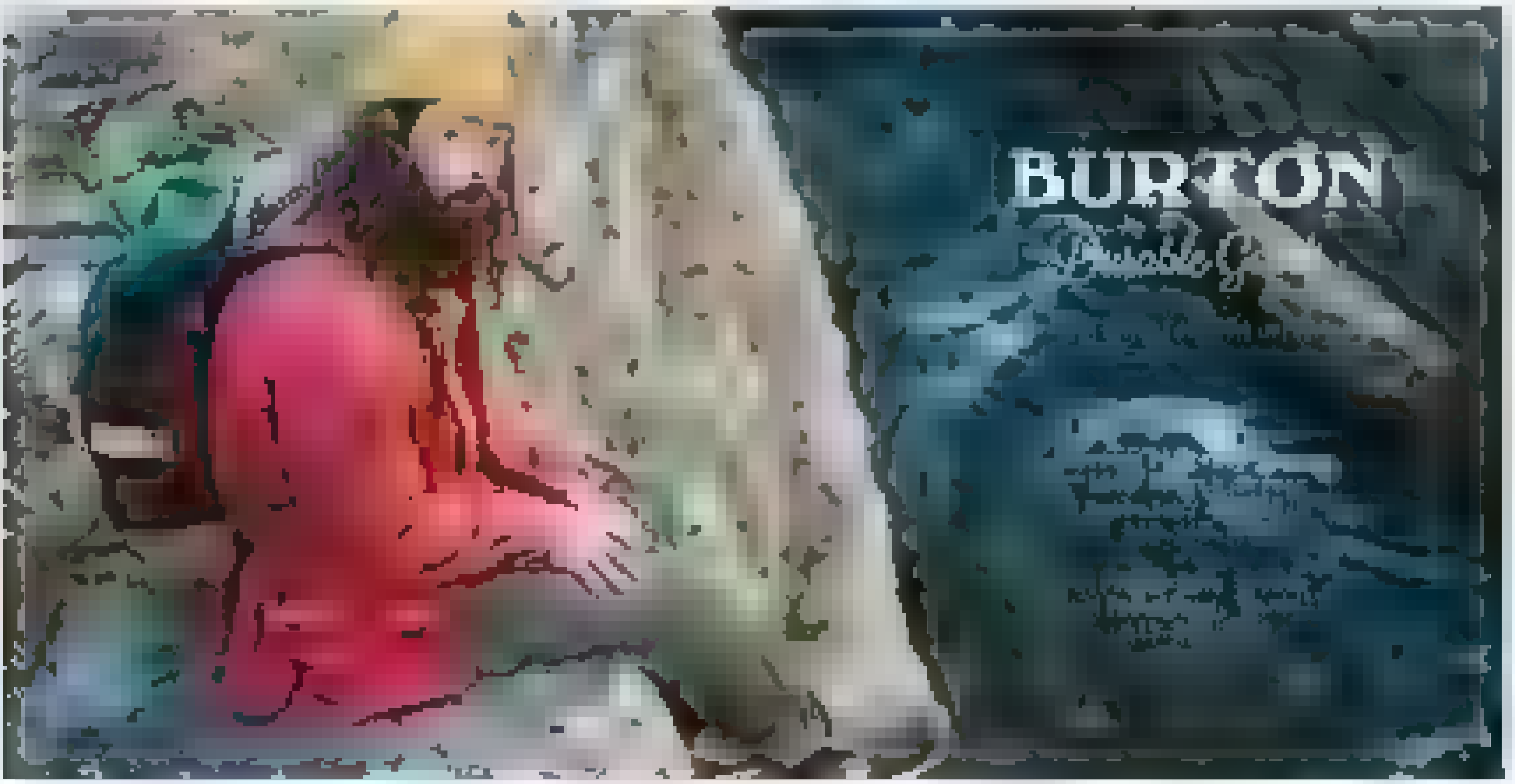








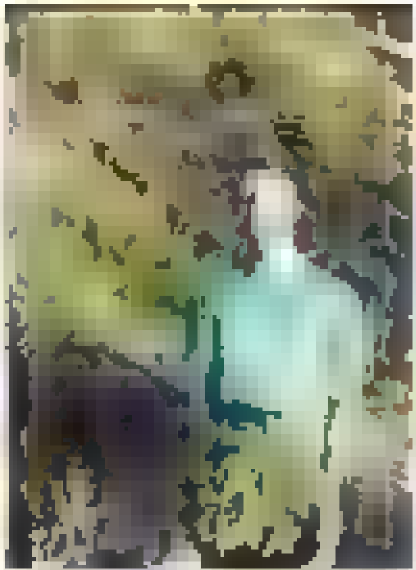
"The water board staff are our preferred regulators because they don't carry guns and badges," explained O'Neill of the Emerald Growers Association.

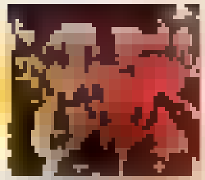






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WITH US!
EAST BAY
PIEDMONT
CHOIRS
FALL AUDITIONS
AUGUST 29
PIEDMONT EAST BAY CHILDREN'S CHOIR
PiedmontChoirs.org

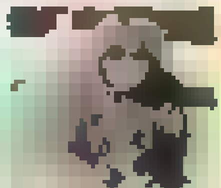




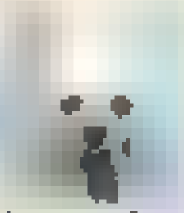




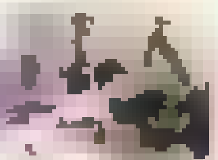




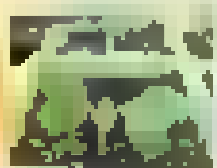












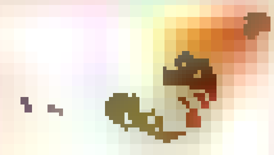
















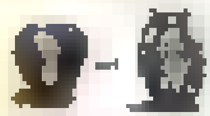
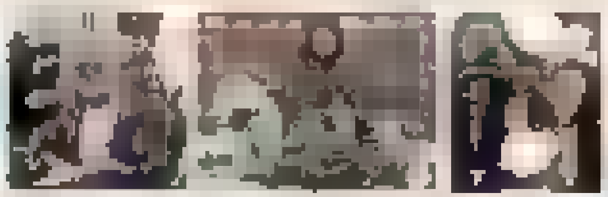










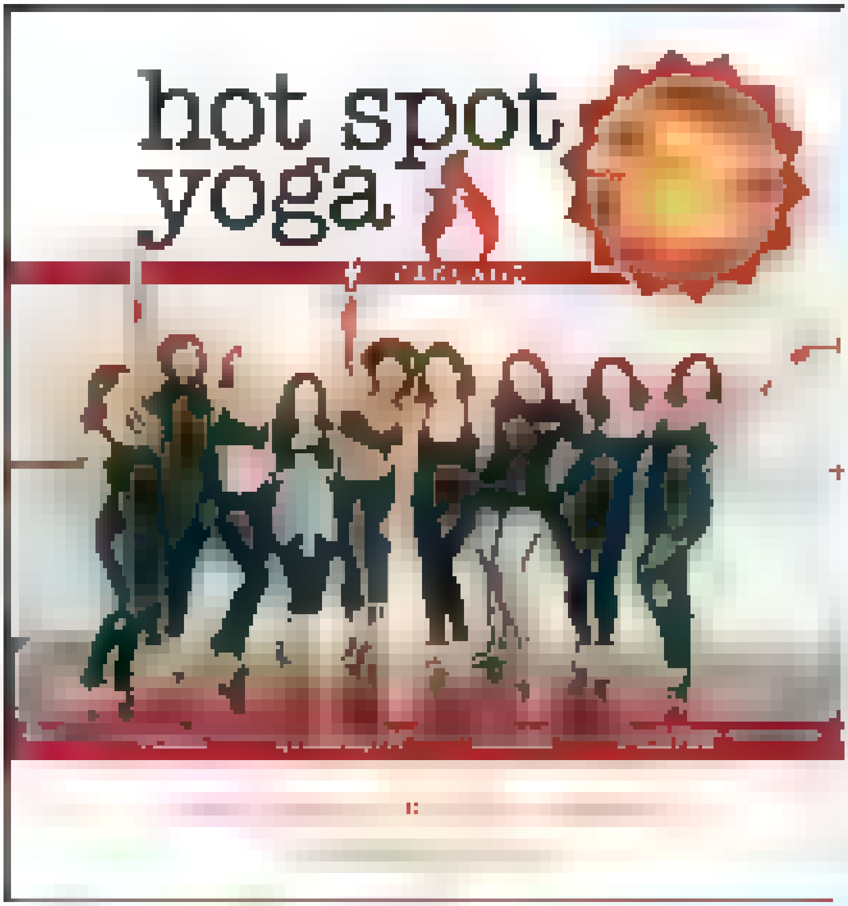

SACRED
TATTOO
NOW
HAS
INDUSTRIAL
PIERCING
OAKLAND'S
CONNECTION
FOR QUALITY
472 7TH ST
OAKLAND



Visions of Liberty

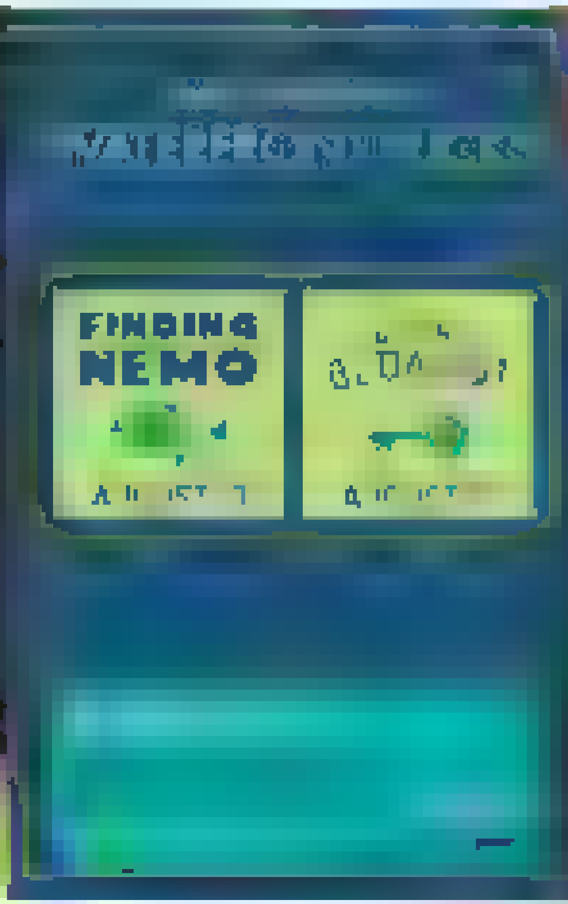
CultureStrike's *Visions from the Inside* project asked artists to illustrate letters from detained migrant families.

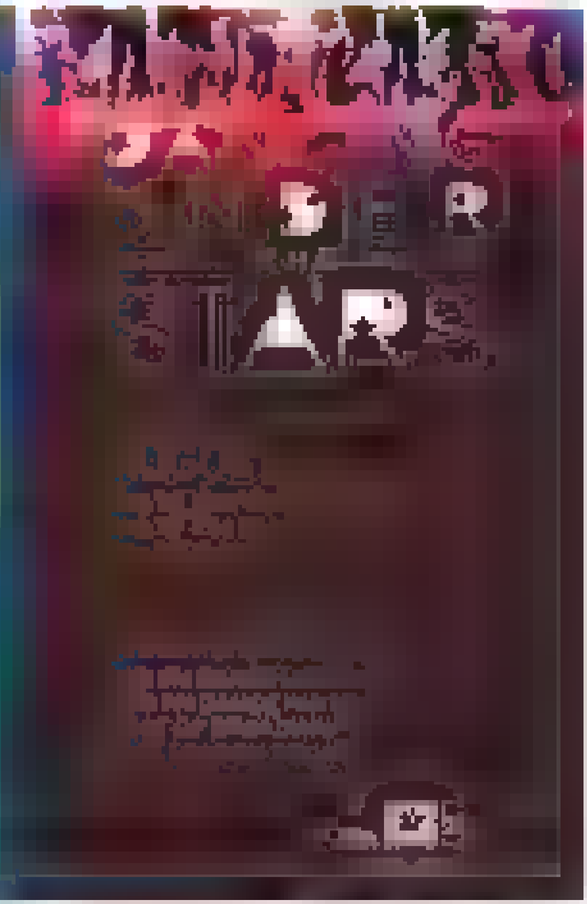
By Sarah Burke


hot spot
yoga


Free introductory talks
at 12noon and 7:30pm


JACK'S
NIGHT
MARKET
ON THE WATERFRONT AT
JACK LONDON SQUARE


FINDING
NEMO





Cinema in the Streets

an array of local docs.

By Sarah Burke

SATURDAY STROLL

UPTOWN GALLERIES

[illegible]

DOWNTOWN OLD OAKLAND GALLERIES

[illegible]

NORTHWEST GALLERIES

[illegible]

JACK LONDON GALLERIES

[illegible]

EAST GALLERIES

[illegible]

3RD SATURDAY WALKING TOUR: AUGUST

[illegible]

2 – 4PM | FREE

EAST BAY EXPRESS

OAKLAND ART MURMUR



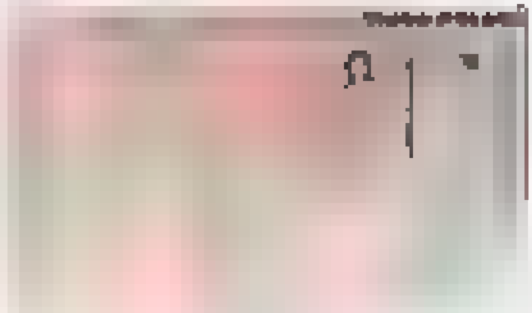
Bay Area Blues Society
LIVE FREE CONCERT
BRINGING BLUES BACK TO 7TH ST
FREE CONCERT





What Goes Around
Comes Around ~ and Around ~ and
URBAN ORE

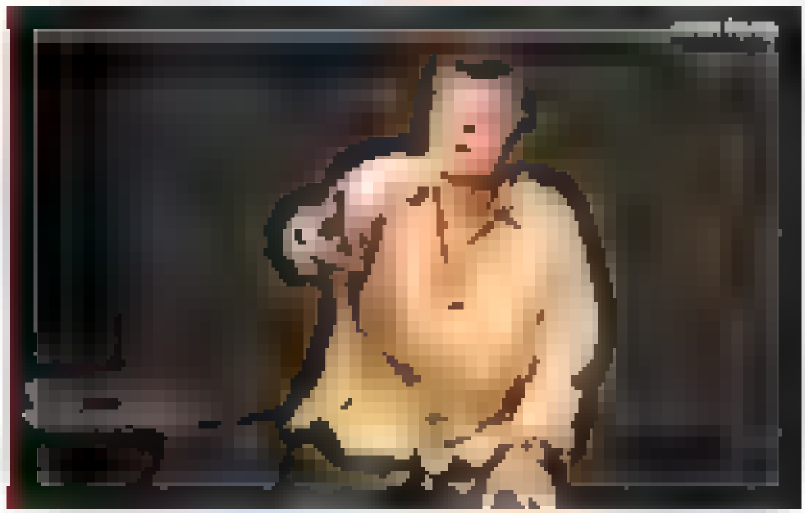
NOT UR BABY











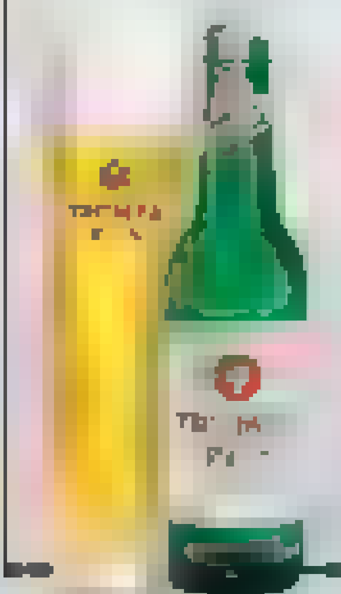
Oh No, There's Men on the Land

Stranger than Fiction



Emily Mitchell, Eliza Smith, and Colin Winnette







A New Sichuan King

At King Tsin, three veterans of Albany's China Village blaze a new Sichuan frontier — just up the street in Berkeley

King Tsin

Sample Menu




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PROVENCAL


BUMAS
PIZZERIA


IT'S OUR LUCKY 13!
CAN'T FAIL CAFE
Celebrating our 13th year in the East Bay!
OAKLAND
EMERYVILLE


EXTREME DELIVERY

Taiwan Crunch

Oakland is becoming a mecca for the five-spice powder-infused delights of Taiwanese fried chicken.

By Luke Tsai




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Monday - Saturday 9AM to 8PM
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Open at Noon Daily
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Kirin

L & L Chinese Seafood

Long Life Vegi House

Renee's Place

Shen Hua

Yuet Lee Seafood Restaurant

Price Key


SHRIMP
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MONDAY THRU FRIDAY
SPENCER'S


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MARTINIS
&
LATE NIGHT
PUNCH BOWLS


BARLAGO
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Large Groups Welcome
Family Style
Private Room
Carafe of Wine
Pitchers of Beer
Lakeside Views
Weekend Brunch
LOVE, LIVE, CELEBRATE.
BARLAGO



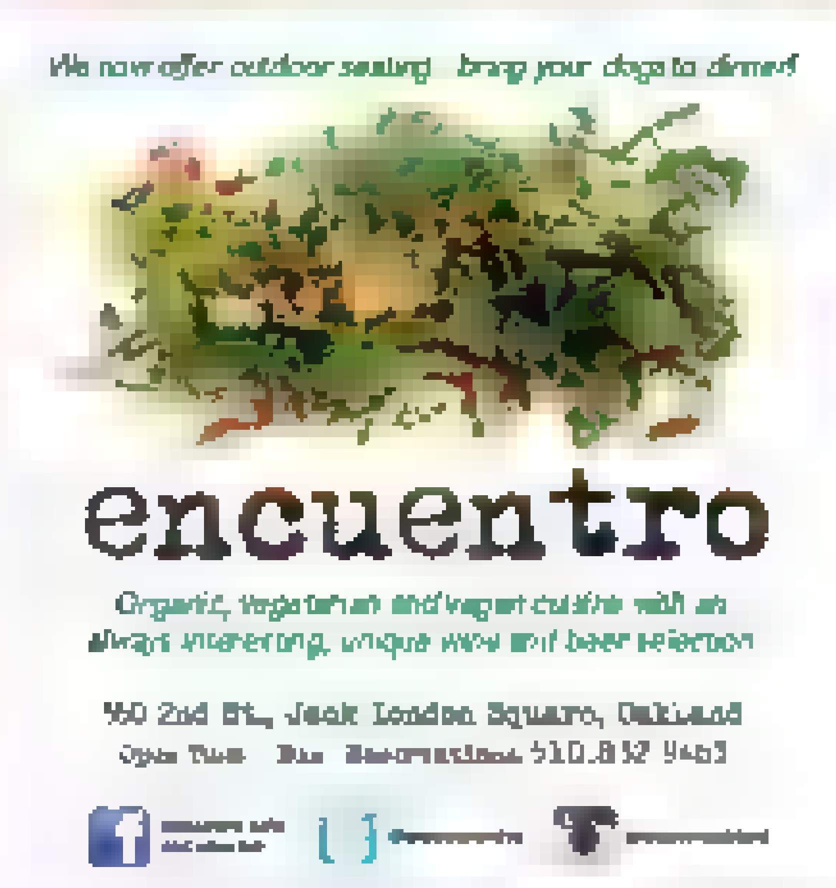
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Buy one Frozen Custard Get one FREE!



HAPPY HOUR MENU
SUNDAY
50% off Bottles of Beer & Wine
MONDAY
Half off Oysters
TUESDAY
Half off Burgers
WEDNESDAY
$12 Mussels & Frites



THE STAR
KITCHEN TO COUCH
The Star Delivers!



We now offer outdoor seating - bring your dogs to dinner!
encuentro

San Francisco Street Food Festival



Philosophy & Lit 101

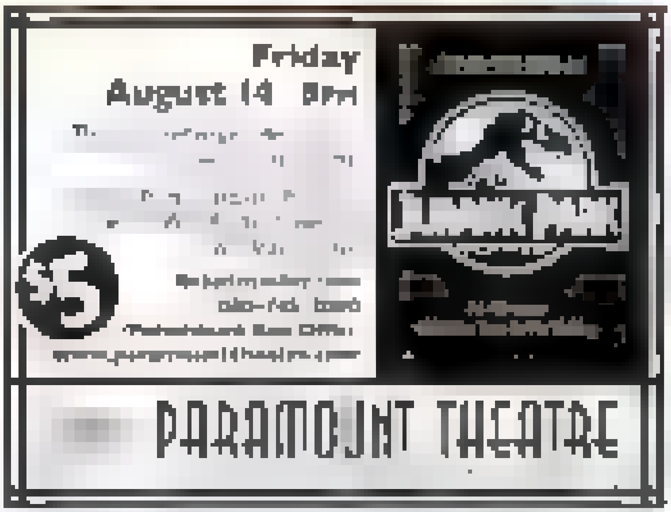


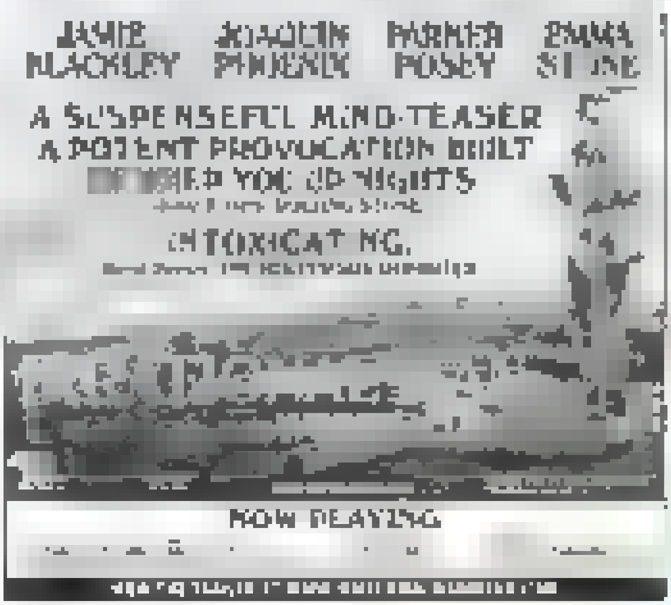
Kahlil Gibran's The Prophet

The End of the Tour

Showtimes Online




Friday
August 14 8pm
$5
PARAMOUNT THEATRE

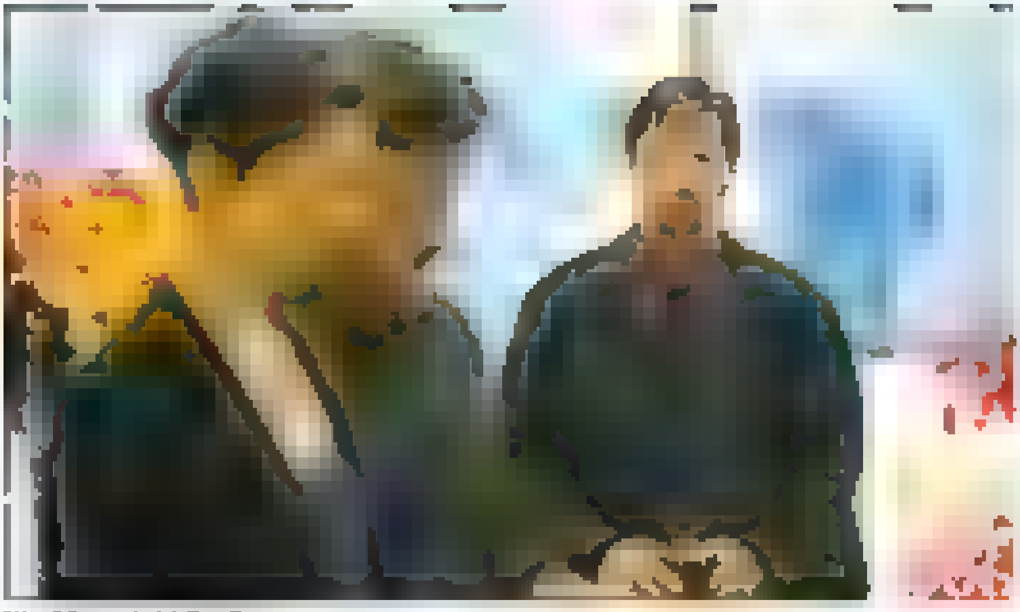

JAMIE BLACKLEY
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MOVIE THEATER DIRECTORY

Showtimes Online





ONE-NIGHT STANDS

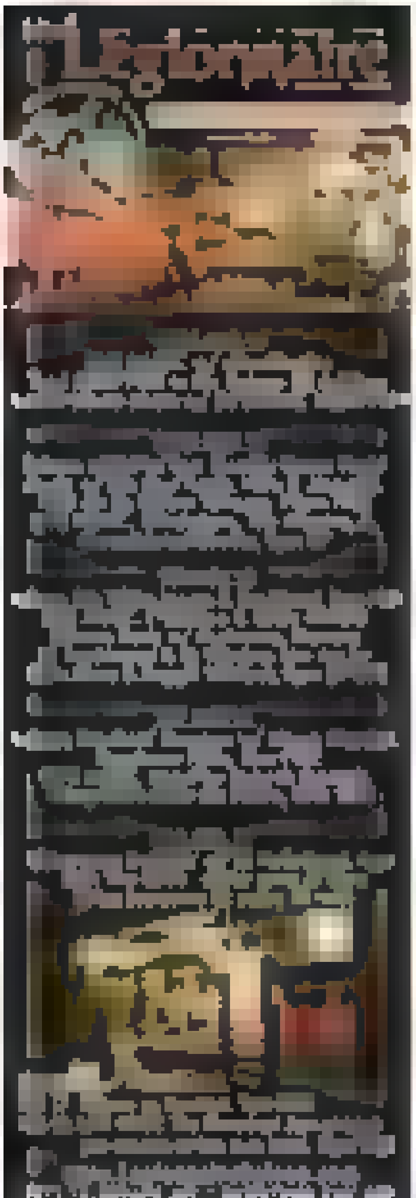
LANDMARK THEATRES

ALBANY TWIN

CALIFORNIA

PIEDMONT

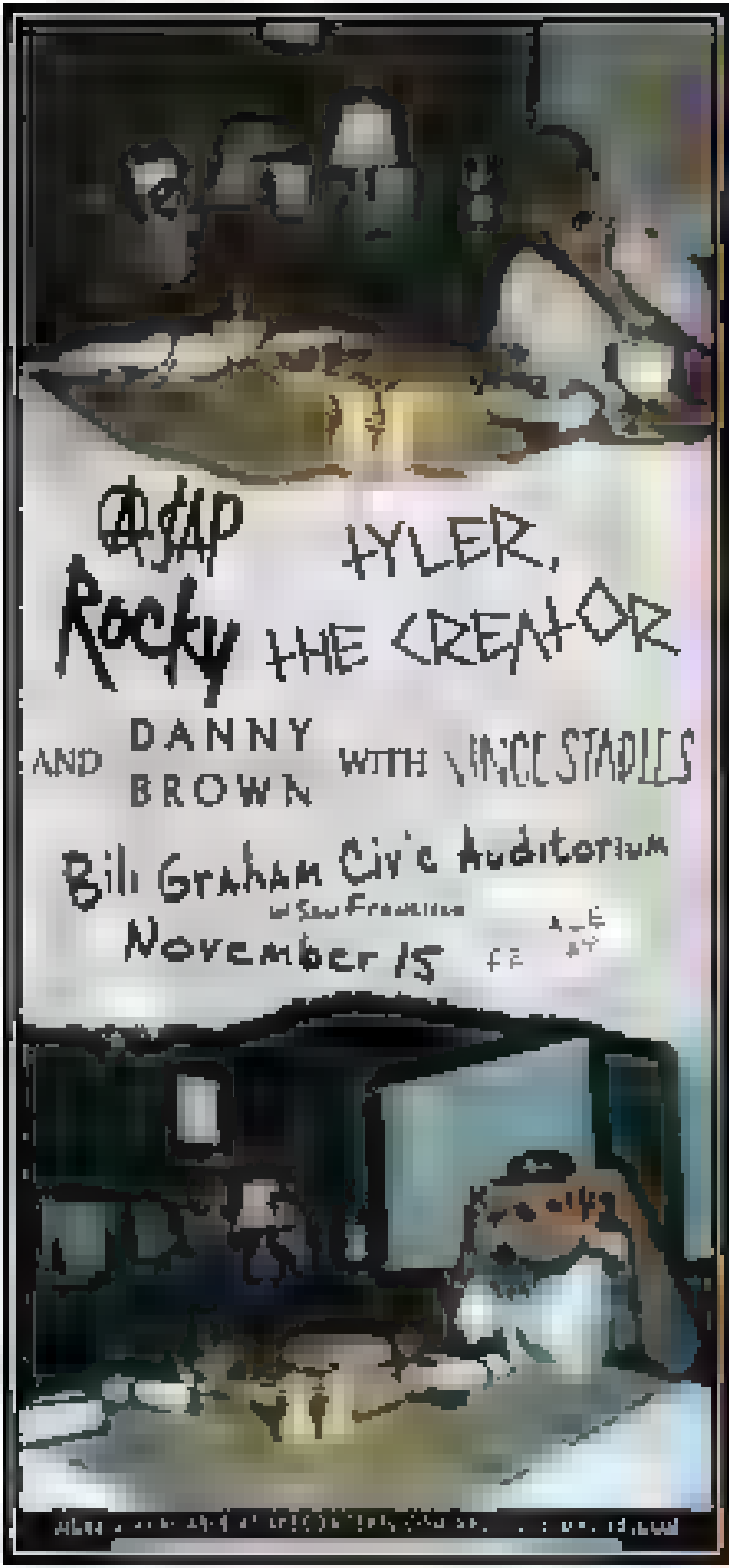
SHATTUCK



Under Pressure



Show Details



A$AP Rocky
Tyler, the Creator
and Danny Brown
with Vince Staples
Bill Graham Civic Auditorium
in San Francisco
November 15



FOX
OAKLAND
GLASS ANIMALS
FFS
FRANZ FERDINAND + SPARKS
OCTOBER 15
MAC DEMARCO
GRACE POTTER





Obstacles to Civilization

D'Angelo, St. Vincent, and Big Freedia were among the performers brilliant enough to distract from Outside Lands' gaffes and shortcomings.

By Sam Lefebvre











THURSDAY 13

Blues, Folk, & Country

[illegible]

Jazz, Lounge, & Cabaret

[illegible]

Rock & Pop

[illegible]

Soul, Funk, R&B, & Hip-Hop

[illegible]

World, Latin, Reggae, & Reggaeton

[illegible]

Blues, Folk, & Country

[illegible]

Classical & Opera

[illegible]

Jazz, Lounge, & Cabaret

[illegible]

Rock & Pop

[illegible]

Soul, Funk, R&B, & Hip-Hop

[illegible]

World, Latin, Reggae, & Reggaeton

[illegible]

FRIDAY 14

Blues, Folk, & Country

[illegible]

Jazz, Lounge, & Cabaret

[illegible]

Rock & Pop

[illegible]

Soul, Funk, R&B, & Hip-Hop

[illegible]

World, Latin, Reggae, & Reggaeton

[illegible]

Blues, Folk, & Country

[illegible]

Classical & Opera

[illegible]

Experimental & Avant-Garde

[illegible]

Jazz, Lounge, & Cabaret

[illegible]

Rock & Pop

[illegible]



TECHNO DISCO
LOVE
SATURDAY 2015 AUGUST 22
ADRIAN LUX
COSMIC GATE
DASH BERLIN
MARK SIXMA
MARLO
OMNIA
TICKETS ON SALE NOW



THE WARFIELD



SOCIAL HALL





Nicki Minaj

Total Control

Nudity

World, Latin, Reggae, & Reggaeton

SATURDAY 15

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Classical & Opera

Jazz, Lounge, & Cabaret

Rock & Pop

World, Latin, Reggae, & Reggaeton

SUNDAY 16

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Soul, Funk, R&B, & Hip Hop

Rock & Pop

Soul, Funk, R&B, & Hip Hop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

VENUE DIRECTORY EAST BAY

Classical & Opera

Gospel & Vocal

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip Hop

MONDAY 17

Jazz, Lounge, & Cabaret

Rock & Pop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Experimental & Avant-Garde

Jazz, Lounge, & Cabaret

Rock & Pop

TUESDAY 18

Jazz, Lounge, & Cabaret

Rock & Pop

Blues, Folk, & Country

Experimental & Avant-Garde

Rock & Pop

Soul, Funk, R&B, & Hip Hop

WEDNESDAY 19

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip Hop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip Hop

World, Latin, Reggae, & Reggaeton

DJ / DANCE

THURSDAY 13

EAST BAY

FRIDAY 14

EAST BAY

SATURDAY 15

EAST BAY

SUNDAY 16

EAST BAY

MONDAY 17

EAST BAY

TUESDAY 18

EAST BAY

WEDNESDAY 19

EAST BAY





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